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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/640,349	08/12/2003	Yi-Fang Michael Shiuan	JCLA11051	7717
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J C PATENTS, INC. 4 VENTURE, SUITE 250 IRVINE, CA 92618			EXAMINER PIZIALI, JEFFREY J	
			ART UNIT 2629	PAPER NUMBER
			MAIL DATE 03/16/2009	DELIVERY MODE PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

### Office Action Summary

**Application No.**

10/640,349

**Applicant(s)**

SHIUAN ET AL.

**Examiner**

Jeff Piziali

**Art Unit**

2629

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 01 December 2008 and 04 August 2008.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-4 and 17-20 is/are pending in the application.
- 4a) Of the above claim(s) 19 and 20 is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-4, 17 and 18 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 04 August 2008 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: \_\_\_\_\_

## **DETAILED ACTION**

### ***Continued Examination Under 37 CFR 1.114***

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submissions filed on 4 August 2008 and 1 December 2008 have been entered.

### ***Drawings***

2. The drawings were received on 4 August 2008. These drawings are not acceptable. Newly submitted Figures 3 and 4 no longer include the "Prior Art" label. These drawing changes are not mentioned or explained in the 4 August 2008 reply.
3. The drawings have not been checked to the extent necessary to determine the presence of all possible minor errors. Applicant's cooperation is requested in correcting any errors of which applicant may become aware in the figures.

### ***Specification***

4. The disclosure is objected to because of the following informalities:

The specification text, "*Once the power saving process signal has received and the length of the PSPP has obtained, the mechanism detects the upcoming least common multiple occurrence of the display-device blank periods in step 604...*" (see page 15, lines 2-4) should be corrected grammatically.

For example: "*Once the power saving process signal has been received and the length of the PSPP has been obtained, the mechanism detects the upcoming least common multiple occurrence of the display-device blank periods in step 604...*"

Appropriate correction is required.

5. The specification has not been checked to the extent necessary to determine the presence of all possible minor errors. Applicant's cooperation is requested in correcting any errors of which applicant may become aware in the specification.

#### ***Election/Restrictions***

6. ***Applicant's election with traverse of Species 1 (claims 1-4, 17, and 18)*** in the reply filed on 1 December 2008 is acknowledged.

The traversal is on the ground(s) that, "*Applicants respectfully submit that such a late restriction is not reasonable. Based on the assertion indicated on page 4 of the Restriction Requirement, the Office asserted 'there is an examination and search burden for these patentably distinct species due to their mutually exclusive characteristics.' Nonetheless, after several Office actions and responses, the Office had conducted all searches for all claims in the past, which indicates that no serious burden to examine all pending claims at the very beginning. As*

*regulated in MPEP 811, it reads, [B]efore making a restriction requirement after the first action on the merits, the examiner will consider whether there will be a serious burden if restriction is not required"* (see page 5 of the Election).

This is not found persuasive.

The Applicants do not dispute that the species are independent or distinct, do not dispute the different species have mutually exclusive characteristics for each identified species, and do not allege these species are obvious variants of each other.

The pending claims (as amended on 4 August 2008 and again on 1 December 2008) have not been examined prior to this Office action.

The 4 August 2008 newly added the (hitherto unexamined) subject matter: "*the blank periods can be a plurality of horizontal blank periods (HBPs) or a plurality of vertical blank periods (VBPs)*" (see claim 3).

This newly introduced subject matter was deemed to be generic to all three species.

The 1 December 2008 amends claim 3 to be drawn exclusively to elected Species I, adds new claim 19 which is drawn exclusively to nonelected Species II, and adds new claim 20 which is drawn exclusively to nonelected Species III.

37 CFR 1.142 states that a requirement for restriction "*may be made at any time before final action.*"

Responsive to the 4 August 2008 RCE, the finality of the previous Office action has been withdrawn.

The traversal is also on the ground(s) that, "*The amendments to claim 3 filed together with the submission of the RCE have not added any new elements and expanded the scope of the claims*" (see page 6 of the Election).

This is not found persuasive.

The 4 August 2008 newly added the (hitherto unexamined) subject matter: "*the blank periods can be a plurality of horizontal blank periods (HBPs) or a plurality of vertical blank periods (VBPs)*" (see claim 3).

Both the 4 August 2008 and 1 December 2008 amendments to claim 3 dramatically alter the scope of the claimed invention.

The traversal is also on the ground(s) that, "*On the other hand, as stipulated in 37 CFR 1.141, more than one species of an invention, not to exceed a reasonable number, 'may be specifically claimed in different claims in one national application, provided the application also includes an allowable claim generic to all the claimed species and all the claims to species in excess of one are written in dependent form or otherwise include all the limitations of the generic claim.'* Accordingly, Applicants should be entitled to consideration of claims to additional species which depend from or otherwise require all the limitations of generic claims 1-4 and 17-18" (see pages 6-7 of the Election).

This is not found persuasive.

There are no allowable generic claims.

The requirement is still deemed proper and is therefore made FINAL.

7. *Newly added claims 19 and 20 are withdrawn* from further consideration pursuant to 37 CFR 1.142(b), as being drawn to nonelected species (*claim 19 being drawn to nonelected species II and claim 20 being drawn to nonelected species III*), there being no allowable generic or linking claim. Applicant timely traversed the restriction (election) requirement in the reply filed on 1 December 2008.

8. Applicant is reminded that upon the cancellation of claims to a non-elected invention, the inventorship must be amended in compliance with 37 CFR 1.48(b) if one or more of the currently named inventors is no longer an inventor of at least one claim remaining in the application. Any amendment of inventorship must be accompanied by a request under 37 CFR 1.48(b) and by the fee required under 37 CFR 1.17(i).

***Claim Rejections - 35 USC § 112***

9. The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

10. Claims 1-4, 17, and 18 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement.

The claims contain subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventors, at the time the application was filed, had possession of the claimed invention.

Claim 1 recites, “*all of the display devices do not indicate the graphics-processing unit to access the system memory through the memory controller during the non-responding period of the CPU*” (lines 11-13).

Claim 17 recites, “*all of the display devices do not indicate the graphics-processing unit to access the system memory through the memory controller during the non-responding period of the CPU*” (lines 11-13).

Claim 18 recites, “*while executing the power saving process, the system memory is continuously accessed by the CPU during the non-responding period of the CPU*” (lines 1-3).

This subject matter is not described in the specification.

11. Claims 1-4, 17, and 18 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the enablement requirement.

The claims contain subject matter which was not described in the specification in such a way as to enable one skilled in the art to which it pertains, or with which it is most nearly connected, to make and/or use the invention.

Claim 1 recites, “*all of the display devices do not indicate the graphics-processing unit to access the system memory through the memory controller during the non-responding period of the CPU*” (lines 11-13).

Claim 17 recites, “*all of the display devices do not indicate the graphics-processing unit to access the system memory through the memory controller during the non-responding period of the CPU*” (lines 11-13).



Claim 18 recites, “*while executing the power saving process, the system memory is continuously accessed by the CPU during the non-responding period of the CPU*” (lines 1-3).

This subject matter is not enabled by the specification.

12. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

13. Claims 1-4, 17, and 18 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

14. Claim 1 is rejected under 35 U.S.C. 112, second paragraph, as being incomplete for omitting essential structural cooperative relationships of elements, such omission amounting to a gap between the necessary structural connections. See MPEP § 2172.01.

An omitted structural cooperative relationship results from the claimed subject matter: “*A graphics display method for continuously displaying a plurality of graphics data on multiple display devices of a computer system that contains a central processing unit (CPU) which has a memory controller **inside***” (lines 1-3). For example:

It would be unclear to one having ordinary skill in the art what earlier claimed element the “*memory controller*” is intended to be inside. Inside the “*display devices*”? Or inside the “*computer system*”? Or inside the “*central processing unit*”?

15. Claim 1 provides for the use of the common clock source (e.g. see line 7: "using the common clock source to synchronize a plurality of blank periods of the display devices"), but, since the claim does not set forth any steps involved in the method/process, it is unclear what method/process applicant is intending to encompass. A claim is indefinite where it merely recites a use without any active, positive steps delimiting how this use is actually practiced.

Claim 1 is rejected under 35 U.S.C. 101 because the claimed recitation of a use, without setting forth any steps involved in the process, results in an improper definition of a process, i.e., results in a claim which is not a proper process claim under 35 U.S.C. 101. See for example *Ex parte Dunki*, 153 USPQ 678 (Bd.App. 1967) and *Clinical Products, Ltd. v. Brenner*, 255 F. Supp. 131, 149 USPQ 475 (D.D.C. 1966).

16. Claim 1 recites the limitation "**reduce a power consumption of the CPU**" (line 11). There is insufficient antecedent basis for this limitation in the claim. For example:

No earlier "**power consumption**" has been claimed. It would be unclear to an artisan what such a "**reduction**" is intended to be relative to.

17. Claim 1 is amenable to two or more plausible claim constructions.

The use of the phrase "**all of the display devices do not indicate the graphics-processing unit to access the system memory through the memory controller during the non-responding period of the CPU**" (lines 11-13) renders the claim indefinite.

The claimed phrase is amenable to two plausible definitions.

Based on the description provided in the Specification, and the ordinary meanings of the words, the phrase could be interpreted to mean:

(a) *All of the display devices do not provide a visually displayed indication when the graphics-processing unit accesses the system memory through the memory controller during the non-responding period of the CPU.*

(b) *All of the display devices prevent the graphics-processing unit from accessing the system memory through the memory controller during the non-responding period of the CPU.*

Thus, neither the Specification, nor the claims, nor the ordinary meanings of the words provides any guidance as to what Applicant intends to cover with this claim language.

Due to the ambiguity as to what is intended by the claimed phrase and the fact that this claim element is amenable to two or more plausible claim constructions, this claim is rejected under 35 U.S.C. § 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter that the Applicant considers to be the invention.

See Ex parte Miyazaki (BPAI Precedential 19 November 2008).

18. Claim 2 recites the limitation "*the upcoming least common multiple occurrence*" (line 2). There is insufficient antecedent basis for this limitation in the claim.

19. Claim 17 is rejected under 35 U.S.C. 112, second paragraph, as being incomplete for omitting essential structural cooperative relationships of elements, such omission amounting to a gap between the necessary structural connections. See MPEP § 2172.01.

An omitted structural cooperative relationship results from the claimed subject matter: "*A graphics display method for continuously displaying a plurality of graphics data on multiple display devices of a computer system that contains a central processing unit (CPU) which has a memory controller inside*" (lines 1-3). For example:

It would be unclear to one having ordinary skill in the art what earlier claimed element the "*memory controller*" is intended to be inside. Inside the "*display devices*"? Or inside the "*computer system*"? Or inside the "*central processing unit*"?

20. Claim 17 provides for the use of the common clock source (e.g. see line 7: "using the common clock source to synchronize blank periods of the display devices"), but, since the claim does not set forth any steps involved in the method/process, it is unclear what method/process applicant is intending to encompass. A claim is indefinite where it merely recites a use without any active, positive steps delimiting how this use is actually practiced.

Claim 17 is rejected under 35 U.S.C. 101 because the claimed recitation of a use, without setting forth any steps involved in the process, results in an improper definition of a process, i.e., results in a claim which is not a proper process claim under 35 U.S.C. 101. See for example *Ex parte Dunki*, 153 USPQ 678 (Bd.App. 1967) and *Clinical Products, Ltd. v. Brenner*, 255 F. Supp. 131, 149 USPQ 475 (D.D.C. 1966).

21. Claim 17 is amenable to two or more plausible claim constructions.

The use of the phrase “*all of the display devices do not indicate the graphics-processing unit to access the system memory through the memory controller during the non-responding period of the CPU*” (lines 11-13) renders the claim indefinite.

The claimed phrase is amenable to two plausible definitions.

Based on the description provided in the Specification, and the ordinary meanings of the words, the phrase could be interpreted to mean:

(a) *All of the display devices do not provide a visually displayed indication when the graphics-processing unit accesses the system memory through the memory controller during the non-responding period of the CPU.*

(b) *All of the display devices prevent the graphics-processing unit from accessing the system memory through the memory controller during the non-responding period of the CPU.*

Thus, neither the Specification, nor the claims, nor the ordinary meanings of the words provides any guidance as to what Applicant intends to cover with this claim language.

Due to the ambiguity as to what is intended by the claimed phrase and the fact that this claim element is amenable to two or more plausible claim constructions, this claim is rejected under 35 U.S.C. § 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter that the Applicant considers to be the invention.

See Ex parte Miyazaki (BPAI Precedential 19 November 2008).

22. The remaining claims are rejected under 35 U.S.C. 112, second paragraph, as being dependent upon rejected base claims.

***Response to Arguments***

23. Applicant's arguments filed 4 August 2008 have been fully considered but they are not persuasive.

Applicant's arguments with respect to claims 1-4, 17, and 18 have been considered but are moot in view of the new ground(s) of rejection.

By such reasoning, rejection of the claims is deemed necessary, proper, and thereby maintained at this time.

***Conclusion***

24. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. The documents listed on the attached '*Notice of References Cited*' are cited to further evidence the state of the art pertaining to graphics display methods.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jeff Piziali whose telephone number is (571)272-7678. The examiner can normally be reached on Monday - Friday (6:30AM - 3PM).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Chanh Nguyen can be reached on (571) 272-7772. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Jeff Piziali/  
Primary Examiner, Art Unit 2629  
12 March 2009